

Image

RCE (1600)

REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Subsection (b) of 35 USC §132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American inventors Protection Act of 1999 (AIPA).

Application Number	09/491,624
Filing Date	January 26, 2000
First Named Inventor	Carlos PICORNELL DARDER
Group Art Unit	1615
Examiner Name	Gollamudi
Attorney Docket Number	4948-2PCRCE2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000 applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on. (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. Other
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other

2. Miscellaneous

- a. Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months.
(Period of suspension shall not exceed three months; Fee under 37 C.F.R. § 1.17(l) required)
- b. Other

3. Fees

The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.: 03-2412.
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37C.F.R. §§ 1.136 and 1.17)
 - iii. Small Entity Status is being claimed for this application.
 - vi. Other
- b. Check in the amount of \$385.00 enclosed.
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Vincent M. Fazzari	Registration No. (Attorney/Agent)	26,879
Signature		Date	March 12, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: March 12, 2004

Name (Print/Type)	Vincent M. Fazzari	Date	March 12, 2004
Signature		Date	March 12, 2004

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Attorney Docket No.: 4948-2PCRCE2

FILING FEE COMPUTATION SHEET

Submit an original and a duplicate for fee processing

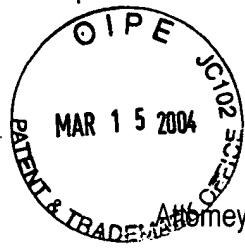
Dated: March 12, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re RCE Application of: Carlos PICORNELL DARDER et al.
For: Oral Pharmaceutical Preparation Comprising an Antiulcer Activity Compound,
and Process for its Production
Parent Serial No.: 09/491,624

The filing fee has been calculated as shown below:

FOR:	Col. 1	Col. 2	SMALL ENTITY	OTHER THAN SMALL ENTITY
	# FILED	# EXTRA		
BASIC FEE			\$385	\$770
TOTAL CLAIMS	<u>39</u> - 20 =	<u>19</u>	x 9 = \$	x 18 = \$
INDEPENDENT CLAIMS	<u>3</u> - 3 =	<u>0</u>	x 43 = \$	x 86 = \$
<input type="checkbox"/> MULTIPLE DEPENDENCY			+\$145 = \$	+290 \$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2			TOTAL: \$385	\$



Attorney Docket # 4948-2PCRCE2

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re RCE Application of

Carlos PICORNELL DARDER et al.

Parent Serial No.: 09/491,624

Parent Filed: January 26, 2000

For: Oral Pharmaceutical Preparation
Comprising an Antilulcer Activity
Compound, and Process for its
Production

Check box if applicable:

DUPLICATE

GENERAL AUTHORIZATION FOR PAYMENT OF FEES
AND PETITIONS FOR EXTENSIONS OF TIME
Submit an original and a duplicate for fee processing

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Commissioner for Patents
P.O. Box 1450
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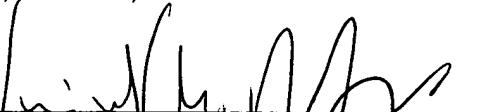
Sir:

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-2412

- Any filing fees required under 37 CFR §1.16.
- Any patent application processing fees under 37 CFR §1.17 not otherwise paid by check.
- The issue fee set in 37 CFR 1.18 at 3 months from mailing of the Notice of Allowance, pursuant to 37 CFR 1.311 (b) provided the fee has not already been paid by check.
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By

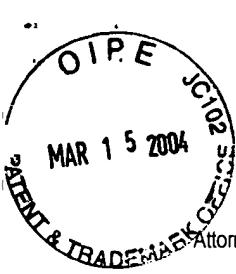

Vincent M. Fazzari, Reg. No. 26,879

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: March 12, 2004



Attorney Docket # 4948-2PCRCE2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Carlos PICORNELL DARDER et al.

Serial No.: 09/491,624

Filed: January 26, 2000

For: Oral Pharmaceutical Preparation Comprising an
Antiulcer Activity Compound, and Process for its
Production

Examiner: Gollamudi
Group Art: 1615

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

SIR:

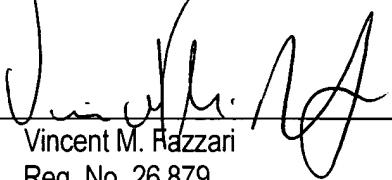
On or about December 12, 2003, Applicants filed an Amendment After Final Rejection for the above-identified application in response to the Final Rejection of September 12, 2003. As of the filing of the accompanying RCE application, Applicants have not received an Advisory Action. However, after undersigned's office contacted the PTO, Examiner Gollamudi did contact Applicants' attorney to advise that that Amendment After Final Rejection would be entered but the claims remained rejected because the PTO was not convinced with respect to the prior submitted showings.

The Examiner that contacted Applicants' undersigned attorney is new to the case as is her Primary Examiner. Applicants' undersigned attorney had a number of telephone interviews with the prior Examiner.

Applicants respectfully request that prior to the Examiner issuing any Office Action in this case that the Examiner contact Applicants' attorney to arrange for a telephone interview or an in-person interview so that the issues can be thoroughly discussed. Counsel surmises that the prior Examiner was requiring a side by side comparison. If this is the present Examiner's position, an in-person would be helpful because the prior art does not provide sufficient operating information to make a composition as per those examples. In this regard, an in-person interview would be useful to discuss the previously submitted comparisons, and if a side by side comparison is to be required, which example should be compared and what operating conditions should be used since the reference cited by the former Examiner is not specific on many operating parameters.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By


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